

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

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CLERK U.S. DISTRICT COURT
TAMPA, FLORIDA

UNITED STATES OF AMERICA

vs.

Case No. 8:03-CR-77-T-30TBM

GHASSAN ZAYED BALLUT
_____ /

**DEFENDANT GHASSAN BALLUT'S EX PARTE MOTION FOR ALLOCATION
OF FUNDS UNDER CRIMINAL JUSTICE ACT TO COMPENSATE COUNSEL
FOR LIMITED INVESTIGATIVE WORK AND MEMORANDUM OF LAW**

The Defendant, GHASSAN ZAYED BALLUT, by and through his undersigned counsel, pursuant to 18 U.S.C. § 3006A(e)(1), hereby requests this Honorable Court to authorize the Defendant's counsel to obtain the services of attorney James R. Fennerty of Chicago, Illinois, for the limited purpose of conducting investigations and interviews of potential trial witnesses in the Chicago area to assist the undersigned counsel in the preparation of the Defendant's defense, and as grounds therefor states:

1. The Defendant has been a long-term resident of the Chicago, Illinois, area at all times pertinent to the allegations in the Indictment in this cause, over approximately 18 years.
2. Most of the allegations against the Defendant in the Indictment concern the Defendant's activities in the Chicago area, and the Defendant is specifically accused of being "a member of the PIJ in a cell in Chicago, Illinois." Indictment, ¶ 13, at 5.
3. The Defendant is accused in the Indictment of, among other things, conducting and attending fund-raising conferences and seminars and inviting known terrorists from outside the United States to speak at such conferences and seminars. Indictment, ¶ 32(a) and (b), at 11.
4. The Defendant is specifically accused of attending and speaking at conferences and

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committing other acts in Chicago, Illinois. Indictment, ¶ 43, Overt Acts (7), (8), (10), (215), (240), (242), (244), (247), and (251).

5. The Defendant has also been active over the past several years in his mosque, the West 63rd Street Mosque, in Chicago and has been involved in fund-raising and other activities at this mosque that may be implicated by the allegations of the Indictment.

6. Because of the affinity of these allegations against the Defendant to the Chicago area, and because of the Defendant's long-term residency and activities in Chicago, the Defendant knows of numerous witnesses in the Chicago area, including persons with knowledge of the Defendant's mosque and community activities, whose testimony concerning the Defendant's activities over the past several years in Chicago can assist the Defendant in his defense.

7. Most of these same witnesses are members of the Palestinian and Arabic community in the Chicago area.

8. The Defendant has requested his undersigned counsel to arrange for the interviewing of such witnesses in the Chicago area.

9. The Defendant's undersigned counsel has good reason to believe that the interviewing and investigation of the numerous witnesses with knowledge of the Defendant's activities over the past several years will require a very substantial expenditure of counsel's time and related costs.

10. At the outset of his representation of the Defendant in March of 2003, the Defendant's undersigned counsel was introduced to attorney James R. Fennerty, whose office is at 36 South Wabash Avenue, Suite 1310, Chicago, Illinois 60603, who was previously acquainted with the Defendant, who assisted and provided counsel to the Defendant in relation to the Defendant's arrest and detention at Chicago in connection with this charge in February of 2003,

and who traveled to Tampa at that time to provide additional counsel to the Defendant.

11. James Fennerty's qualifications and bar memberships are detailed in the Curriculum Vitae attached hereto.

12. The Defendant's undersigned counsel is advised that in the course of his professional representations over the past several years, James Fennerty has become well acquainted with the Palestinian and Arabic communities in the Chicago area and enjoys a good professional reputation with these communities.

13. Although the Defendant's undersigned counsel has the option of traveling personally to Chicago for an extended period of time to interview and investigate witnesses with costs and attorney's fees to be paid pursuant to the Criminal Justice Act, the undersigned counsel has reason to believe that the same tasks can be accomplished far more efficiently with a substantial savings of funds for travel and lodging by authorizing James Fennerty to conduct these interviews and investigations at the same hourly rate for attorneys and without the associated costs and fees for travel, lodging, and per diem expenses.

14. The Defendant proposes that the Court authorize James Fennerty, under the direction of the undersigned counsel, to conduct interviews and investigations of the Defendant's witnesses in the immediate Chicago area under circumstances and by means that will result in an overall savings of attorney fees and costs for this effort.

15. The Defendant further proposes that the Court budget this proposal by limiting the attorney fees for this purpose to not more than 100 hours at \$90.00 per hour and by setting other such restrictions as the Court deems appropriate.

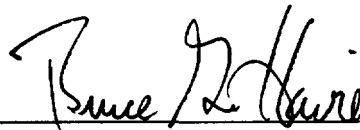
WHEREFORE, the Defendant requests this Honorable Court to authorize the Defendant's

counsel to obtain the services of attorney James R. Fennerty of Chicago, Illinois, for the limited purpose of conducting investigations and interviews of potential trial witnesses in the Chicago area to assist the undersigned counsel in the preparation of the Defendant's defense

Memorandum of Law

Where a defendant in a federal criminal case is unable to obtain investigative, expert, or other services necessary for adequate representation, the defendant may request in an ex parte application that the Court make an appropriate inquiry into the necessity of the services and authorize appointed counsel to obtain the services. 18 U.S.C. § 3006A(e)(1). In this proposal, the Defendant requests the Court to authorize his appointed counsel to enlist the services of another attorney to conduct interviews and investigations under circumstances that should result in a more efficient use of attorney time and resources with a resulting conservation of funds. The scope of this proposal is specifically limited to this task and is not intended to obtain additional counsel or diffuse the responsibility of representation, as James Fennerty would be acting for a limited purpose under the direction of the Defendant's undersigned counsel.

Respectfully submitted,



Bruce G. Howie
Piper, Ludin, Howie & Werner, P.A.
5720 Central Avenue
St. Petersburg, FL 33707
Telephone (727) 344-1111
Facsimile (727) 344-1117
Florida Bar No. 263230
Attorney for GHASSAN ZAYED BALLUT

CURRICULUM VITAE

Attorney James R. Fennerty
36 South Wabash Avenue
Suite 1310
Chicago, IL 60603
(312) 345-1704

Born: August 4, 1946, Chicago, Illinois
Married: 1975 to Janet Y. Fennerty
Adult Children: Nathaniel Fennerty, Devin Fennerty, Dina Fennerty

Education:

1964-1968, Loras College, Dubuque, Iowa
1968-1972, DePaul University Law School

Admissions to the bar:

1972, State of Illinois
1972, United States District for the Northern District of Illinois, Eastern Division
1980, United States Court of Appeals for the Seventh Circuit
2001, United States District Court for the Central District of Illinois

Criminal Experience: Have represented hundreds of defendants in criminal proceedings in both state and federal court.

Civil Experience: Have represented numerous plaintiffs in complex litigation in both state and federal court.

Community Involvement: Board of Trustees for the DuSable Museum of African American History, Active in the Palestinian Community in Chicago for over thirty years.